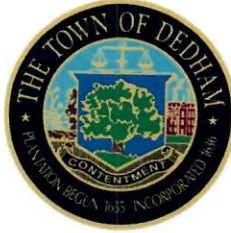


PLANNING BOARD

Michael A. Podolski, Esq., Chair
John R. Bethoney, Vice Chair
Robert D. Aldous, Clerk
Ralph I. Steeves
James E. O'Brien IV

Planning Director
Richard J. McCarthy, Jr.
rmccarthy@dedham-ma.gov



Dedham Town Hall
26 Bryant Street
Dedham, MA 02026
Phone 781-751-9242
Fax 781-751-9225

Administrative Assistant
Susan Webster
swebster@dedham-ma.gov

TOWN OF DEDHAM
COMMONWEALTH OF MASSACHUSETTS

PLANNING BOARD
CERTIFICATE OF ACTION
APPLICATION FOR MINOR SITE PLAN REVIEW



Applicant: Reddish Properties LLC

Subject Property: 25 Eled Way

Date: May 11, 2017

PROJECT SUMMARY

The Applicant, Reddish Properties LLC, 25 Eled Way, Dedham, Massachusetts submitted an application for Minor Site Plan review on March 1, 2017, for the property at 25 Eled Way, Dedham, Massachusetts. The Applicant has entered into a lease for the property with Xchange Leasing, a subsidiary of Uber, to operate a leasing office in 2,470 square feet of the existing building and an additional 4,573 square feet for the storage of cars. The initial plan proposed 14 parking spaces for employees and customers, one accessible parking space, 18 reduced parking spaces for employee parking, and on-site storage of vehicles to be leased, 36 stacked exterior parking spaces, and 12 interior parking spaces for on-site storage of leased vehicles.

BACKGROUND AND FINDING OF FACTS

1. The building is to be accessed by Eled Way, a private way that connects the site to River Street.
2. The subject property did have a 1981 approved parking plan on record with the Town.
3. Reddish Properties LLC, 28582 LaCaille Drive, Naples, FL 34119 (hereinafter referred to as "Applicant", proposes to lease the property with minor site improvements and no changes to the building at 25 Eled Way (hereinafter referred to as the "Subject Property").

4. The portion of the Subject Property known as 25 Eled Way, shown on Dedham Assessors' Map 129-144, contains approximately 1.51 acres of land and has no frontage on River Street. Access to River Street is via an easement over 23 River Street.
5. According to the Zoning Map for the Town of Dedham, the Subject Property is almost entirely located in the Limited Manufacturing A Zoning District.
6. The Project provides 32 parking spaces to service the property, 36 stacked parking spaces for Xchange Leasing in the parking lot, and 12 interior parking spaces for the use.
7. The Project includes minimal changes to the site. These include five (5) foot perimeter landscape buffer around the parking lot and interior landscaping. The interior landscaping is 1.5 percent.
8. The Applicant required relief from the Zoning Board of Appeals for the location of an off-premises sign on Milton Street for the Lessee, Exchange Leasing. The Applicant appeared before the Design Review Advisory Board on April 5, 2017, which suggested modifications to the proposed signs. The Petitioner has adopted these modifications. They appeared before the Zoning Board of Appeals on April 19, 2017, and were granted the requested necessary waivers from the sign by-law for the installation of a sign for the lessee. No appeals were taken.
9. Pursuant to Table 1 (Use Regulation Table) of the Dedham Zoning By-Law, the following uses are permitted as of right in the Limited Manufacturing A Zoning District and are therefore allowed as of right at the Subject Property (not intended as an exhaustive listing):
 - a. Livery
 - b. Commercial Storage
10. Table 2 (Table of Dimensional Requirements) of the Dedham Zoning By-Law sets forth the following dimensional requirements applicable to buildings in the Limited Manufacturing A Zoning District:
 - Minimum Frontage: 150 feet
 - Minimum Lot Area: 1 acre
 - Minimum Lot Width: 70% of minimum frontage
 - Minimum Front Yard: 30 feet
 - Minimum Side Yard: 15 feet
 - Minimum Rear Yard: 25 feet
 - Maximum Lot Coverage: 50 %
 - Maximum Floor Area Ratio: 35%
11. On February 23, 2017, the Applicant appeared before the Dedham Planning Board for a "scoping session." After a review and discussion of the proposed Project, the Planning Board

determined the project was subject to Minor Site Plan Review pursuant to Section 9.5 of the Dedham Zoning By-Law.

12. On March 1, 2017, the Applicant submitted the following to the Planning Board (hereinafter referred to collectively as the "Application"):
 - a. Form X "Application for Site Plan Modification with Project Narrative
 - b. Plan set entitled "Site Development Plans, 25 Eled Way, Dedham, Massachusetts," dated March 1, 2017, prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772, consisting of the following:
 - i. Cover Sheet
 - ii. General Notes Sheet
 - iii. Site Plan
 - iv. Construction Detail Sheet
 - v. Existing Condition Plan
 - c. Filing fee in the amount of \$1,000.00
 - d. Consultant Review deposit in the amount of \$6,200.00.
13. The Application was reviewed by the Planning Board and the Planning Director and was determined to satisfy all of the submittal requirements for Minor Site Plan Review under Section 9.5 of the Dedham Zoning By-Law.
14. In accordance with Section 9.5.6 of the Dedham Zoning By-Law, upon receipt of the Application and above materials, the Planning Board distributed copies of the aforesaid plans and reports to and otherwise solicited comments from various Town of Dedham boards, departments, and officials. Pursuant to said Section 9.5.6 of the Zoning By-Law these agencies are provided with a 35-day period to file reports with the Planning Board. Failure to so respond within such time frame constitutes approval by such agency of the adequacy of the submittal, and that, in the opinion of the agency, the project will have no adverse impact.
15. In addition, the Planning Board referred the Application to McMahon Associates for peer review.
16. Planning Director Richard McCarthy facilitated a project review meeting with Town Department heads, staff, the Applicant, and its representatives to review and discuss the Project.
17. The Planning Board reviewed and considered the Project for Minor Site Plan Approval at its regularly scheduled meetings of April 11, 2017, April 28, 2017, and May 8, 2017. Prior to the initial meeting on this matter, the Planning Board caused the required written notice of said meeting to be mailed to abutters to the Subject property as required by Section 9.5.6, and caused the required notice of said meeting to be posted as required by State Law and Town By-Law.

18. Present at the meetings on this matter were Planning Board Members Michael A. Podolski, Esq., Chairman, John R. Bethoney, Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV. Also present at these meetings on behalf of the Planning Board were Planning Director Richard McCarthy and a representatives from McMahon Associates, the Board's peer reviewer.
19. The Applicant was represented at these meetings by Kevin F. Hampe, Esq., Law Offices of Winbourne, Hampe and Sheehan, 411 Washington Street, Dedham, MA. Also present at these meetings on behalf of the Applicant, Reddish Properties, LLC, was Mary Beth Reddish, the owner's representative.
20. At each meeting, the Applicant was provided with the opportunity to make a full and complete presentation on the Project. This was followed by questions and comments from the Planning Board, the Planning Director, and the Planning Board's peer review consultant.
21. While these meetings were not a formal public hearings, the Planning Board accepted input and comments from the general public.
22. In addition to testimony at the hearings, the Planning Board received a number of reports and other documents from the Applicant, Planning Director, the peer review consultant, and other Town boards and agencies. Such reports and documents are listed on Exhibit A attached hereto and incorporated herein by reference.
23. In response to requests by the Planning Board, Planning Director, and peer review consultant during the course of permitting process, the Applicant made numerous revisions to the Project and/or submitted supplemental material and/or explanations including, but not limited to, the operation plan for Xchange Leasing and revisions to the site design.
24. The Applicant also submitted a memorandum requesting the following **WAIVERS** from the provisions of the Dedham Zoning By-Law:
 - a. A **WAIVER** from the Zoning Bylaws Section 5.1.8.4 Construction Standards
 - b. A **WAIVER** from the Zoning Bylaws Section 5.2.2.2 Parking Lot Interior Landscape Areas
 - c. A **WAIVER** from the Zoning Bylaws Section 5.2.2.2 Parking Lot Perimeter Landscape Areas
 - d. A **WAIVER** from the Zoning Bylaws Section 9.4.4.1 Contents and Scope of Application

At the meeting duly held on May 11, 2017, after discussion, the Planning Board, consisting of Michael A. Podolski, Esq., Chairman, John R. Bethoney, Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, James E. O'Brien IV, voted unanimously (5-0), to approve and grant the following **WAIVERS**:

1. A **WAIVER** from the Zoning Bylaws Section 5.1.8.4 **Construction Standards**

Reddish Properties, LLC, operated a refuse business out of this location for many years, and the parking lot was paved prior to specific standards for pavement thickness. The Applicant will re-stripe the existing pavement since the use of the property will have vehicles that are lighter than refuse vehicles, and the pavement is in good condition. If the pavement does not hold up with the new use, the Applicant will need to re-pave it. Therefore, the Planning Board finds that granting a **WAIVER** from Section 5.1.8.4 Construction Standards to not require new pavement is not against the purpose and intent of the Zoning Bylaw, and further finds that granting this **WAIVER** is not against the public interest.

2. A **WAIVER** from the Zoning Bylaws Section 5.2.2.2 **Parking Lot Interior Landscape Areas:**

The site and the building are located behind the buildings that front along River Street. It was designed for the storage of refuse trucks and operation of the building; there was no public use of the property. Xchange Leasing has limited public use because anyone planning to lease a vehicle has to work for Uber. Adding interior landscaping would improve the aesthetics of the site, but there is no significant public benefit to removal of the pavement, as this would impact site circulation. Therefore, the Planning Board finds that granting a **WAIVER** from Section 5.2.2.2 Parking Lot Interior Landscape Areas to not provide interior landscaping or to require new pavement is not against the purpose and intent of the Zoning Bylaw, and further finds that granting this **WAIVER** is not against the public interest.

3. A **WAIVER** from the Zoning Bylaws Section 5.2.2.2 **Parking Lot Perimeter Landscape Areas:**

The site and building are located behind the commercial buildings that front along River Street. On the south and west perimeter are commercial buildings, to the north is Mother Brook, and to the east are residences. The waiver is for north, south and west perimeter. There is existing landscaping along the east perimeter that will remain and be supplemented with new plantings. Therefore, the Planning Board finds granting a **WAIVER** from Section 5.2.2.3 **Parking Lot Perimeter Landscape Areas** to not provide perimeter landscaping along north, south and west perimeter is not against the purpose and intent of the Zoning Bylaw, and further finds that granting this **WAIVER** is not against the public interest.

4. A **WAIVER** from the Zoning Bylaws Section 9.4.4.1 **Contents and Scope of Application:**

The engineer prepared the scale of the plan at 1" = 20' which is more readable than 1"= 40,' which is required under Section 9.4.4.1 **Contents and Scope of Application**. Therefore, the Planning Board finds granting a **WAIVER** from Section 9.4.4.1 **Contents and Scope of Application** is not against the purpose and intent of the Zoning Bylaw, and further finds that granting this **WAIVER** is not against the public interest.

DECISION

At the meeting duly held on May 11, 2017, after discussion, the Planning Board, consisting of Michael A. Podolski, Esq., Chairman, John R. Bethoney, Vice Chairman, Robert D. Aldous, Clerk, Ralph I. Steeves, and James E. O'Brien IV, voted unanimously (5-0), to approve the Application for Site Plan Review on the following terms and **CONDITIONS**:

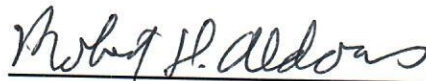
1. Subject to the **CONDITIONS** contained herein, the Project shall be substantially constructed in accordance with the Record Plans listed on Exhibit B, attached hereto and incorporated herein by reference.
2. In the event of an emergency, the Applicant shall allow the Dedham DPW or the Dedham Westwood Water District, as may be appropriate, access to the sewer and water lines on the Subject Property for repair purposes.
3. Any dumpsters located on the Subject Property shall be screened by opaque screening, and shall be constructed and maintained in strict compliance with all Dedham Zoning Bylaws and all Board of Health Regulations.
4. The minimum period of time Xchange Leasing can lease any vehicles from this site is 30 days.
5. Members of the Planning Board and the Planning Director shall be permitted access to the project site during construction with proper notification to the Applicant subject to applicable safety requirements as established by the Applicant or its Contractor. Proper notification shall be through the construction process, or shall be through the emergency call number of the Applicant's representative in case of emergency or off-hours situations.
6. The Applicant agrees that, no later than one year from issuance of a Permanent Certificate of Occupancy, it shall file a written report with the Planning Director detailing compliance with all terms and conditions of this certificate. The Planning Board reserves the right to require the Applicant to appear before the Planning Board to further discuss and review compliance with this certificate of action.
7. The Applicant/Owner of 25 Eled Way will continue to allow the Town of Dedham access though their site and temporary use of the property at the northerly end of the site for operation and maintenance purposes of the Town's existing sewer utility, which exists within the unpaved section of Paradise Lane. The Town will provide a minimum of 48 hours' notice to enter the property.
8. Any recommendations from the Design Review Advisory Board that are in conflict with this approval shall require Planning Board approval. Any recommendations from the Design Review Advisory Board that are not in conflict with this approval shall be hereby incorporated into the record plans.
9. The revised site plan should indicate that the plan is tied to NAD83 and NAVD88 prior to endorsement by the Planning Board. A minimum of two control points tied to NAD83 and

NAVD88 should be shown on the plan at the corners or at geometric changes along the property line.

10. The existing conditions plan should be stamped by a Professional Land Surveyor registered in the state of Massachusetts prior to endorsement by the Planning Board.
11. Following construction of the Project but prior to the issuance of the final certificate of occupancy for buildings in the Project, the Applicant shall provide an "as-built" site plan tied horizontally to NAD83 and vertically to NAVD88 to the Planning Board, the Building Department, the Department of Infrastructure Engineering, and the Board of Assessors, in accordance with applicable regulations.
12. Prior to the issuance of the final Certificate of Occupancy for the Project, the Applicant shall complete the landscaping improvements as shown on the approved landscaping plan, or provide the Planning Board with a performance bond for same.
13. If any **CONDITION** imposed in this Decision requires permits, licenses, or other approval from any other board, committee, or agency of the Town of Dedham or other regulatory agency of the Commonwealth or the federal government, the Applicant shall make an appropriate application for the same.
14. All invoices generated by the Board's peer reviewers shall be paid prior to the issuance of any building permits or occupancy certificates.
15. All municipal taxes and fees shall be paid in full and all taxes accounts shall be in good standing prior to the issuance of any building permit.

Dated: June 23, 2017

By the Dedham Planning Board:



Robert D. Aldous, Clerk

EXHIBIT A

DOCUMENT LIST

1. Letter (Peer Review Report) dated April 11, 2017, April 28, 2017, and May 8, 2017 from McMahon Associates to Planning Director Richard McCarthy
2. Letter (Issues Summary) dated April 11, 2017, April 28, 2017, and May 8, 2017, from McMahon Associates to Planning Director Richard McCarthy
3. Memorandum dated March 17, 2017, and May 10, 2017, from Director of Engineering Jason L. Mammone, P.E., to Planning Director Richard McCarthy
4. Letter with attachments (Response to Peer Review Report) dated September 17, 2015, from DeVellis Zrein Inc. to McMahon Associates
5. Letter from Matthew Bombaci of Bohler Engineering dated March 1, 2017, to Dedham Planning Board.
6. Letter from Matthew Bombaci of Bohler Engineering dated April 20, 2017, to Dedham Planning Board.
7. Letter from Matthew Bombaci of Bohler Engineering dated April 26, 2017, to Dedham Planning Board.
8. Letter from Matthew Bombaci of Bohler Engineering dated May 4, 2017, to Dedham Planning Board.
9. Letter from Zuhairah Washington of Xchange Leasing dated April 20, 2017, To Whom It May Concern.
10. Letter from Mary Beth Reddish dated February 17, 2017, to Dedham Planning Board.

EXHIBIT B

RECORD PLANS

Plan set entitled "Site Development Plans, 25 Eled Way, Dedham, Massachusetts", dated March 1, 2017 revised through June 20, 2017, prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772 consisting of the following:

1. Cover Sheet
2. General Notes Sheet
3. Site Plan
4. Construction Detail Sheet
5. Existing Condition Plan